

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

BRIAN EARL MCCLENDON,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO.: 7:22-cv-99 (WLS)
	:	
JACOB BEASLEY, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

ORDER

Before the Court is a Recommendation filed by United States Magistrate Judge Thomas Q. Langstaff on October 31, 2022. (Doc. 4.) Therein, Judge Langstaff recommends that Plaintiff's 42 U.S.C. § 1983 claims against Defendants Jacob Beasley and Katrina Daniels proceed for further factual development, but that Plaintiff's First and Eighth Amendment claims against Defendants Heather Davis, Lieutenant Evans, Sergeant Cargle, Officer Smith, Officer McCrae, Officer Searcy, Officer Gillinu, Officer Moody, Officer Briglia, Officer Mitchell, Officer Thompson, and Officer Peak be dismissed.¹ (Doc. 4.) Judge Langstaff recommends that Plaintiff's claims against those Defendants be dismissed as Plaintiff failed to plead any facts associating those Defendants with any alleged violation of his Constitutional rights.

The Recommendation noticed Plaintiff that he may serve and file a written objection to these recommendations within fourteen (14) days after being served with a copy of this recommendation. (Doc. 4.) To date, Plaintiff has not filed an objection. Accordingly, the Court has reviewed the Recommendation for clear error and finds none.

Therefore, upon full review and consideration of the record, and finding neither plain error nor manifest injustice in the Recommendation, *see United States v. Aponte*, 461 F. App'x

¹ The Court notes for the purposes of the record that Plaintiff alleges that Defendants violated his First and Eighth Amendment rights by failing to provide Plaintiff with nutritionally adequate meals that conformed to his unspecified religious practices, despite Plaintiff having been approved to participate in the Alternate Entrée Program as a religious vegan. (Doc. 1-1 at 1.)

828, 830 n.2 (11th Cir. 2012), the Court finds that the Recommendation (Doc. 4) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Plaintiff's First and Eighth Amendment claims against Defendants Heather Davis, Lieutenant Evans, Sergeant Cargle, Officer Smith, Officer McCrae, Officer Searcy, Officer Gillinu, Officer Moody, Officer Briglia, Officer Mitchell, Officer Thompson, and Officer Peak are **DISMISSED**.

SO ORDERED, this 5th day of December 2022.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT